REMARKS

The filing of this paper on Monday, January 9, 2006 without payment of a government extension fee under 37 C.F.R. § 1.17(a) is proper pursuant to 37 C.F.R. § 1.7 since January 7, 2006 falls on a Saturday.

Claims 1-23, all of the pending claims, stand rejected under 35 U.S.C. § 103(a) for obviousness from the teachings of U.S. Patent No. 5,950,195 to Stockwell et al.[1] Reconsideration is requested.

In independent claim 1, each step requires the use of the same client computer.

In contrast, the Stockwell et al. patent discloses that an Access Control List (ACL) is managed by an acld deamon (acld 60) running in the kernel of a firewall 10/30 (see column 5, lines 36-37), which is used to regulate the flow of Internet connections from an internal network 26 to an external network 22 (see column 4, lines 29-31). The Stockwell et al. patent discloses, teaches and suggests that its firewall 10/30 is utilized to facilitate communication between undisclosed computers connected to the firewall via internal network 26 and external network 22. What is clear in the Stockwell et al. patent, however, is that the firewall 10/30 is not a client computer in the same sense as the client computer of the present invention configured for use by an end user.

Assuming *arguendo*, the firewall disclosed in the Stockwell et al. patent is analogous to the client computer of claim 1, the Stockwell et al. patent does not disclose, teach or suggest a method having all the limitations of claim 1. Specifically, step (d) of claim 1 recites that the client computer receives an access configuration including a control setting for at least one communication protocol via a (second) communication session. In contrast, the Stockwell et al. patent discloses, teaches and suggests that acld 60 (synonymous to the access configuration

[1] In section 2 of the Detailed Action, claims 1-23 were rejected for obviousness from the teachings of U.S. Patent Publication No. US 2002/0169961 A1 to Stockwell et al. However, this publication is to Giles et al. In a telephone conversation on January 3, 2006, the Examiner confirmed that she had intended to reject the claims over U.S. Patent No. 5,950,195 to Stockwell et al.

of the present invention) always resides at the firewall (see column 7, lines 10-20). Specifically, to make an ACL check, an agent, such as proxy 50, server 52, login 54 or network access server 56 shown in Fig. 3, collects information about the nature of a connection, such as source and destination IP addresses. The agent places this information into a query list that contains all of the relevant information needed to make the ACL check. The agent then submits the query list to acld 60 and acld 60 searches for a rule that matches the query list and returns a reply list. This reply list includes either "allow" or "deny" to indicate if the connection should be accepted or rejected. Other values in the reply list are side effects that change the behavior of the agent.

As can be seen, the access configuration upon which a decision is made whether to allow or deny access resides in acld 60. No agent contains information upon which to base a decision whether to allow or deny access. Rather, only the "allow" or "deny" indicator is provided to the agent by acld 60. In other words, the Stockwell et al. patent discloses, teaches and suggests that the ACL rules reside permanently in acld 60. Accordingly, the Stockwell et al. patent cannot disclose, teach or suggest the limitations of claim 1, step (d), namely, that an access configuration including a control setting for at least one communication protocol is received at the client computer via a (second) communication session.

Moreover, the Stockwell et al. patent does not disclose the limitations of claim 1, step (f), namely, controlling the conveyance of data to or from a process that initiates a third communication session at a third network address based on the control settings included in the access configuration received at the computer via the second communication session. The differences between the present invention and the teachings of the Stockwell et al. patent in this regard are relatively straightforward. In the present invention, the client computer can attempt to access a specific IP address. Rules for this access attempt are checked at the client computer and a decision is made thereat whether to allow or deny access. No Internet traffic need traverse a firewall that may or may not be accessible to the client computer in order to make this decision. In contrast, in the Stockwell et al. patent, the same client computer would attempt a

communication with a specific IP address through the disclosed firewall 10/30, which would determine whether to allow or deny access. Thus, as can be seen, the Stockwell et al. patent discloses a system wherein the decision to deny or allow access is made at a completely different location than the method claimed in claim 1.

Moreover, the Stockwell et al. patent does not disclose, teach or suggest a client computer utilizing multiple communication sessions, each of which is at a different network address. Rather, the Stockwell et al. patent discloses, teaches and suggests communications between internal processes of a firewall – not between different network addresses.

On page 4 of the Office Action, the Examiner admits that the Stockwell et al. patent "does not specifically enumerate a first, second and third communication session at a respective network address." The Examiner goes onto allege, however, that it would have been obvious to one of ordinary skill in the art at the time of the invention to use any number of multiple servers to perform a task - "In other words, within a network system comprising multiple servers and multiple layers of access control, Stockwell teaches secured access throughout the network as implemented on multiple machines wherein it would have been obvious to create multiple communication sessions for added security and improved performance purposes."

It is well established patent law that in order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on Applicant's disclosure. *In re Vaeck,* 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

As discussed above, the Stockwell et al. patent discloses, teaches and suggests communications between internal processes of a firewall - not between different network addresses. Accordingly, if anything, the Stockwell et al. patent teaches away from a single client computer utilizing first, second and third communication sessions at first, second and third network addresses in the manner disclosed in claim 1. Hence, the Stockwell et al. patent does not meet the first prong of the above test.

Moreover, it is respectfully submitted that the Examiner's allegation on page 4 of the Office Action fails to meet the final prong of the test, namely, that the prior art reference teaches and suggests all of the claim limitations. Assuming *arguendo* that in view of the Stockwell et al. patent, one skilled in the art would have used any number of multiple servers to perform authentication, access control or information acquisition (as alleged by the Examiner), the Examiner has not explained why one skilled in the art would have chosen the specific method claimed in claim 1 of the present application to perform this task. Indeed, the Examiner has not explained why one skilled in the art would use three communication sessions versus any number of communication sessions other than three. Accordingly, it is respectfully submitted that the Examiner has used impermissible hindsight to reject claim 1.

While not set forth in claim 1, the first communication session is utilized to initially establish an IP connection between each client computer 1 and server computer 2 for the purpose of downloading to client computer 1 a second network address, which is utilized to pass the access configuration to client computer 1. The use of a single network address (the first network address) by each remotely located client computer 1 enables each client computer 1 to receive a unique second network address, which is utilized to pass the corresponding access configuration to the client computer 1. The use of a common first network address by each client computer 1 enables client computers which may be mobile to receive their access configuration from server computer 2 without regard to how the client computer is connected to the Internet, e.g., without the use of a firewall. Once the client computer has received its access

configuration from server computer 2, the client computer, if authorized by the access configuration downloaded hereto, can initiate a process which initiates the third communication session, wherein the conveyance of data to and from the process is controlled based on a control setting included in the access configuration received via the second communication session. If desired, data being conveyed to and/or from the client computer via the third communication session can be conveyed via the second communication session to server computer 2 or 5 (claim 10), which can create an appropriate log of the conveyed data.

For the foregoing reasons, it is respectfully submitted that the Stockwell et al. patent does not disclose, teach or suggest all of the limitations of claim 1. Absent disclosing, teaching or suggesting a method having all of the limitations of claim 1, the Stockwell et al. patent cannot render obvious claim 1 of the present application, or claims 2-12 dependent therefrom.

Regarding independent claims 13 and 22, for the reasons discussed above in connection with claim 1, the Stockwell et al. patent cannot render obvious claims 13 and 22 of the present application, or claims 14-21 and 23 dependent therefrom.

In rejecting claim 7, which depends from and further limits claim 1, the Examiner alleges that it would have been obvious to terminate communication sessions as new ones are created for reservation of bandwidth. As noted above in connection with claim 1, however, the Stockwell et al. patent discloses, teaches and suggests inter process communications occurring within a firewall, not between different communication sessions at different network addresses.

Absent disclosing, teaching or suggesting a method having the combination of limitations of claims 1 and 7, the Stockwell et al. patent cannot render obvious claim 7 of the present application.

For the reasons discussed above in connection with claim 7, the Stockwell et al. patent cannot render obvious claim 15 of the present application.

In rejecting claim 10, which depends from and further limits claims 9 and 1, the Examiner alleges that the Stockwell et al. patent "further teaches including the step of transferring at least part of the conveyed data to the [second] network address via the [second] communication session." As noted above in connection with claim 1, however, the Stockwell et al. patent discloses, teaches and suggests inter process communications occurring within a firewall, not between different communication sessions at different network addresses.

As can be seen, the present invention provides for an access configuration for a client computer to be downloaded to the client computer where decisions regarding access to a network address is made at the client computer instead of remotely. A benefit of the present invention is that it avoids the need to route communications from client computers that may be mobile through a dedicated system, such as the firewall disclosed in the Stockwell et al. patent, to determine whether the client computer is allowed or denied access to a particular network address. The present invention is also the use of two communication sessions to transmit an access configuration to a client computer and the use of a third communication session by the client computer, wherein the conveyance of data to or from a process instantiated on the client computer is controlled based on a control setting included in the access configuration transmitted to the client computer during the second communication session. Importantly, all of the communication sessions are with different network addresses - not between internal processes running on a system, such as the firewall disclosed in the Stockwell et al. patent. Moreover, the second communication session can also be utilized by the client computer for transferring data being conveyed via the third communication session to the network address utilized by the second communication session, thereby enabling a record of the conveyed data to be stored remotely of the client computer.

CONCLUSION

Based on the foregoing remarks, reconsideration of the rejection and allowance of claims 1-23 are requested.

Respectfully submitted,

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